

**HAMPTON PLANNING BOARD – MINUTES**  
**December 17, 2003**

**PRESENT:** Thomas Gillick, Chairman  
Robert Viviano, Vice Chairman  
Tracy Emerick, Clerk  
Tom Higgins  
Keith Lessard  
Fran McMahon, Alternate  
Skip Sullivan, Selectman Member  
Mark Fougere, Interim Town Planner

**ABSENT:** Jack Lessard  
Jennifer Kimball, Town Planner

Mr. Gillick called the meeting to order at 7:00 p.m. by introducing the Board members. Mr. Gillick then asked Mr. Emerick to lead the Pledge of Allegiance.

**II. OLD BUSINESS:**

1. Vertical Building & Development Company, LLC  
Site Plan Review for 42 Unit Condominium with 2 retail stores at  
Ocean Boulevard, J & K Streets  
Map 293, Lot 008; Map 290, Lots 144, 145, & 146  
Owners of Record: Nancy J. Higgins Revocable Trust; Five Jay Street, LLC;  
Jerelyn A. Gray & Peter B. Dineen; Captain Morgan Inn, Inc.  
*Jurisdiction Accepted July 30, 2003, extended by applicant*

Mr. Gillick read a letter dated December 10, 2003 from Attorney Peter Saari requesting the Vertical Building Application be continued to January 21, 2004, at the applicants request, until the variance matters are heard and resolved by the Zoning Board (scheduled for December 18, 2003). The Board agreed to continue the Vertical Building & Development Company, LLC Site Plan Review for 42 Unit Condominium with 2 retail stores at Ocean Boulevard, J & K Streets Map 293, Lot 008; Map 290, Lots 144, 145, & 146, application to the January 7, 2004 Planning Board meeting.

Mr. Gillick requests the Board to reorder the agenda. Mr. Higgins **MOTIONED** to reorder the agenda-moving item #1, from III. Attending To Be Heard. Mr. Emerick **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

**III. ATTENDING TO BE HEARD:**

1. US Gas  
Release of \$135,400.00 Letter of Credit  
associated with offsite road improvements at  
639 Lafayette Road

Mr. Wayne Lucier, President of U.S. Gas introduced himself. Mr. Lucier previously submitted a letter of request from U.S. Gas, dated December 2, 2003, requesting release of the \$135,400.00 Letter of Credit. Additionally, Mr. Lucier submitted a letter dated December 1, 2003 from Civil Construction Management, Inc. (U.S. Gas Engineer) documentation completion of the approved plan, along with a set of plans. Mr. Fougere stated a memo dated December 17, 2003 from John Hangen, DPW Director was received, and on file, supporting the release of the Letter of Credit. A copy of Mr. Hangen's letter was given to Mr. Lucier this evening. There was brief Board discussion. Mr. Emerick **MOTIONED** to release the \$135,400.00 Letter of Credit established to insure completion of the off site road improvements associated with the project upon the recommendation from Mr. John Hangen, Director of Hampton Department of Public Works. Mr. Sullivan **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.** Mr. Fougere stated the Planning Office would contact the Bank and process the necessary paperwork for the applicant.

**I. NEW PUBLIC HEARINGS:**

1. Golden Corridor LLC  
Proposed Subdivision at  
Harbor Road  
Map 295 Lot 63  
Owners of Record: Golden Corridor LLC

**II. OLD BUSINESS:**

2. Golden Corridor & Hampton Harbor Condominiums, LLC  
Special Permit Application for work within the Wetland Conservation District  
associated with the multifamily Site Plan application at  
Duston Avenue/Harbor Road  
Map 295, Lots 59 & 63; Map 295, Lot 64, & Map 298, Lot 3  
Owners of Record: Golden Corridor LLC; Hampton Harbor Condominiums LLC
3. Golden Corridor & Hampton Harbor Condominiums, LLC  
Lot Line Adjustments at  
3 Ocean Blvd.; 31 Harbor Road; and Duston Avenue/Harbor Road  
Map 298, Lot 6; Map 295, Lot 62; Map 295, Lots 59 & 63; Map 295, Lot 64, & Map 298, Lot 3  
Owners of Record: Helen C. Gilmore & Catherine F. Silver; James E. Gallagher;  
Golden Corridor LLC; Hampton Harbor Condominiums LLC  
*Jurisdiction accepted September 17, 2003, extended by applicant*
4. Golden Corridor & Hampton Harbor Condominiums, LLC  
Site Plan Review for 21-unit Townhouse Condominium Development at  
Duston Avenue/Harbor Road  
Map 295, Lots 59 & 63; Map 295, Lot 64, & Map 298, Lot 3  
Owners of Record: Golden Corridor LLC; Hampton Harbor Condominiums LLC  
*Jurisdiction accepted September 17, 2003, extended by applicant*

Mr. Joe Coronati from Jones & Beach Engineers introduced himself as representing the applicant. Mr. Mark Maynard, Developer also introduced himself. Mr. Coronati proceeded to review the applications and outline the changes requested by the Board. Mr. Coronati stated the changes made to the plans: a sidewalk along Harbor Road has been added and because of that change the need for grading, addition of a guard rail and retaining wall adjustments were necessary keeping the detention pond the same size; a drop off area in front of the pool is now included; the dock situation was adjusted and a piece of property is being addressed for deeding for the right to put a Government Dock in place (between Mr. Coronati, Mr. Fougere and Town Attorney Gearreald) which is the reason for the Subdivision Application. Mr. Coronati continued stating all the easements that were requested have been added. Mr. Gillick stated into the record a letter received from Mr. John Kavanagh dated December 14, 2003 expressing his concern regarding the environmental concerns about the location of the Governmental pier and the businesses at Smith & Gilmore Pier. Additionally, Mr. Gillick stated into the record a letter received from the Gebhart's dated November 18, 2003. Mr. Fougere reviewed his staff report in length starting with the proposed Subdivision: the State Department of Environmental Services requires docks land on property and the previous plan had it landing on an easement which is why the Subdivision Application was necessary. Mr. Fougere continued to review his staff report: regarding the Site Plan, the drop off area at the pool was requested by the Board because of the concern of vehicles accessing the site to access the pier - the necessity for a safe place for vehicles to drop passengers was recommended by the Board; the sidewalk was recommended by the Board for pedestrians accessing the Charter Boat in a safe manner; a Memorandum of Understanding has been amended slightly to address the DES regulations regarding the issue of the dock landing on property (a copy was provided attached to Mr. Fougere staff report).

Mr. Fougere continued, the discussion regarding businesses on the site has been a Board concern and now has been finalized: the Charter boat and the tickets for the Charter Boat (located off the property) will continue to come and go from the main pier; the existing jet ski business (with 4 jet ski's) will use a 32 sq. ft. area in the club house to sell tickets and there is a lease in place with the applicant; there will be 18 boat slips with this project: 10 of those will be leased to people outside of the condominiums. There will be 10 vehicle-parking spaces allotted for the 10 boat slips. One boat slip is for the Charter Boat. The remaining 7 slips will be leased, optionally, along with the condominium sales. Mr. K. Lessard asked for clarification of the building/business commitments. Mr. K. Lessard submitted a copy of a Lease Agreement for a bait business with two lobster tanks, dated March 20, 2003, between Mike Wheeler and Mark Maynard for the record. Mr. Maynard confirmed this agreement expired in April, there will be no bait business, no lobster traps and no boat slips will be committed for business purposes to Mr. Wheeler. Mr. Viviano asked to clarify the 18 boat slips and Mr. Maynard and Mr. Fougere reiterated 10 of those slips would be leased to people outside of the condominiums. There will be 10 vehicle-parking spaces allotted for the 10 boat slips. One boat slip is for the Charter Boat. The remaining 7 slips will be leased, optionally, along with the condominium sales. Mr. Maynard stated a conversation between Charter Boat owner, Rocky Gorin and he where Mr. Gorin assured there would be no parking for the Charter Boat customers on the condominium property. Mr. Gillick suggested to Mr. Maynard that some of his statements may become part of a condition of approval and those conditions will have the force of law, if, and when approved. Mr. Maynard assured Mr. Gillick that he understood this. Mr. Higgins recommended delineation (with signage) of the boat slips be coordinated with the vehicle parking spots. Mr. Higgins also raised concern with 50-60 people utilizing the Charter Boat that will be walking up the street with their coolers and equipment. Mr. Higgins asked if there would be vending machines provided on the site. Mr. Maynard confirmed there are two existing Coke machines. Mr. Emerick was concerned with the 1387sq. ft. of property changes the dynamics of the application. Mr. Fougere confirmed, after direction from Town Attorney this transaction is being handled appropriately with the Subdivision Application and the Memorandum of Understanding. Mr. K. Lessard questioned the boats remaining over night. Mr. Maynard stated there would be no "live ins" and there may be an over night or so. Mr. Higgins questioned the details of dockage (i.e. water, power, etc...) Mr. Fougere clarified the note on the plan showing the water, electric; currently, there is no fuel pump station at the dock – the fuel truck pulls in and dispenses the fuel to the Charter boat and leaves. Mr. Maynard confirmed the Government Dock would have the same accessories as the Private dock. Mr. Higgins was concerned there was no dumpster at the docks. Mr. Coronati and Mr. Maynard confirmed there was a dumpster located at the condominium site and the services and square footage at the dock today are not changing – the only change is the layout. Mr. Viviano asked to clarify the maximum boat length allowed at the private dock. Mr. Maynard confirmed - up to a 30' boat could be allowed on the 20' slip (finger) – this per State Regulations. Mr. Fougere continues reviewing his staff report stating the clubhouse/pool architectural renderings were available for review; the clubhouse will be restricted to the residents of condominium of Phase I, II, III and the leased boat slips; the applicant has agreed that functions that may occur at the clubhouse would not be held in the peak months of July and August; Ambit review states the majority of issues raised by them in the past have been satisfied – one issue in particular that needs stipulation is the downstream defender and because the manufacturer will not design the feature until the project is approved, the recommendation is to have Ambit review and comment on its operational accuracy's at that time; HFD memo states they are satisfied and only concerned with detail in the concrete pavers (to be discussed with Aquarion Water). Mr. Fougere continued to review his staff report regarding the Special Permit and the Lot Line Adjustment Applications: there are some minor modifications needed. Mr. Fougere highlighted issues regarding the Gebhart's (abutters to the project): a fence has been added to the plan next to the proposed, new retaining wall (on the West side of the applicants property) and has been reviewed by the abutters; the retaining wall requires a State permit and Building permit review; the applicant has agreed to give up his rights to Bailey Avenue which currently provides access to two properties that will be demolished as part of this project.

In return, the applicant would like a maintenance easement from the Gebhart's in order to have access for future maintenance to the retaining wall (should there be a need); there will be no access, by the applicant, for construction of the retaining wall through Bailey Avenue, however, once the condominium is built the only access for future maintenance will be through an easement; the applicant has agreed to provide an easement for the Gebhart's to possibly tie into the Town Sewer in the future. Mr. Fougere also referenced a letter from the Town Manager relating to the Governmental Pier, a copy was attached to his staff report package. Mr. McMahon asked to clarify the parking for the clubhouse. Mr. Maynard stated there would not be parking allocated for clubhouse members and parking for functions will be instructed to use the State parking facility – this will be included in the condominium documents. Mr. Coronati added the sidewalks and drop off area was constructed for that reason. Mr. Gillick stated the condominium documents would be included as a condition.

## OPEN PUBLIC HEARING:

Mr. Ron Dube of 35 Harbor Road introduced himself. His concerns are: previously “promised” parking would not be allowed on Harbor Road and was supposed to have that statement in writing and has not been provided such statement; on July 4<sup>th</sup> he could not access his home because of the unauthorized vehicle parking; He stated his concerns were of the monitoring of approvals (i.e. zoning, planning, etc...) and who is responsible for following through with these “promises” approvals; he asked for clarification of the zoning line; and concerned with parking his diesel truck that is part of this ‘promise’.

Ms. Linda Gebhart of 4 Bailey Avenue introduced herself. She stated her concerns were the needed easement for future maintenance for the retaining wall; bathrooms for the overnight boats; the refueling of the boats and jet skis; she is concerned with tenant parking; asking to fully extend the fence to the end of the property for safety reasons; requesting that any heavy equipment damage done during construction be agreed, in writing, to be repaired by the applicant.

Mr. Maynard responded that all homeowners (Mr. Dube, Mr. Gallagher, and others) should have a copy of the agreement that states the plowing considerations, the sewer hook ups, and Harbor Road would never be gated, etc... Mr. Gillick requested that Mr. Maynard provides a copy of this agreement, and all other agreements, be provided as part of the record of this application to the Planning Board. Mr. Gillick responded to Ms. Gebhart regarding the retaining wall easement and this is a provision being made to protect her rights. Mr. Fougere stated this was not an unreasonable request and any agreement(s) that have been made will have to be amended to include these stated changes. Mr. Maynard stated that any larger boat used in over nighting would have a port-o-potty and State Law mandates they have to travel 12 miles out before dispensing debris.

## CLOSE PUBLIC HEARING.

Mr. Gillick returned to the Board for additional comments. Mr. Fougere suggested to poll each member for concerns that should be added as conditions. Mr. Viviano stated: no renewal of the lease on the jet skis; once the Harbor is dredged, have the Charter boat moved out; leasing of dock for private use only, no business use; no fuel pumps or storage of fuel allowed; no other vending machines (or changes to existing soda vending). Mr. Higgins stated: clearly marked signage for drop off zone and two related parking spaces (example: “no public parking beyond this point”); no boat repairs, storage, or gas; no additional commercial use. Mr. K. Lessard stated: assigned parking for 10 slips; no long term “live ins” (seek Town Attorney advice on verbiage); drinking water; road never gated; road plowed by Association (in condominium documents); safety issue of the fence on Gebhart's side run to the top of the sea wall or property line. ***Mr. Higgins asked who would be collecting the rentals of the boat slip. Mr. Maynard stated he would, as this was a privately held section.***

The Board agreed, by consensus, to have condominium documents made as a condition of approval. Mr. Fougere stated on the plan, note #21, shows year round maintenance & snow removal. Mr. McMahon stated: put a limitation on usage of overnights between peak season (seek Town Attorney counsel on verbiage); control the parking issues. Mr. Sullivan stated: consider keeping the Charter Boat; continue with the soil testing (as in abutter J. Kavanagh letter). Mr. Gillick suggested, should this application be approved there should be set dates and vesting rights established to see the project is carried out. Mr. Fougere suggested he and Mrs. Kimball would consult with Town Attorney Gearreald and come back to the Board with a plan of action. Mr. Fougere recommended Board approval on the Site Plan Review Application. Mr. Sullivan **MOTIONED** to approve the Golden Corridor & Hampton Harbor Condominiums, LLC Site Plan Review for 21-unit Townhouse Condominium Development at Duston Avenue/Harbor Road, Map 295, Lots 59 & 63; Map 295, Lot 64, & Map 298, Lot 3, of plan #01048, revision dated 12/5/03 subject to:

**Conditions for Site Plan:**

1. The Applicant has agreed to restrict the use of the Clubhouse for functions during July & August; this restriction shall be listed in the condominium documents & reviewed by Town Counsel.
2. The Applicant has agreed to give up his rights to Bailey Avenue and shall not use Bailey Avenue to access the site or the new retaining wall for construction purposes. The owners of Lot 298/5 will be providing the Applicant with a maintenance easement so that the condominium may access the retaining wall in the future, in order to perform repairs to the wall. The agreement detailing these matters shall be finalized prior to the plan being signed. A copy of the signed agreement shall be submitted to the Planning Office.
3. The Board has defined "active and substantial development or building" for the purposes of RSA 674:39, for this project, to be that within one year of the project being approved, all utilities and infrastructure shall be installed and at least one set of residential units (1 set of 3) shall be completed and certificates of occupancy issued to those units.
4. Flooding on abutting lots 295/66 and 298/1 could occur with this proposal and an easement is proposed and outlined on the site plan. Easement language shall be provided as a condition for final approval and reviewed by the Town Attorney.
5. Receipt of the existing easement for lot 296/60, allowing the applicant to upgrade the road, maintain, and use for ingress/egress prior to final approval.
6. Copy of the proposed easement across lot 295/66, allowing the applicant to upgrade the road, maintain, and use for ingress/egress. The Town Attorney shall review said easement. Recording of the easement should be a condition of final approval or tied to reconstruction of the roadway in some fashion.
7. The new retaining wall shall be designed by a structural engineer and reviewed and approved by the Building Department (A permit from both the State and Building Department will be required). The Applicant and owners of adjoining lot 298/5 have agreed on a privacy fence and such a fence is noted on the plan. The design of the wall should be completed prior to final approval to ensure it can be completed. The construction of the wall shall completed prior to units #16 – 21 being completed.
8. Receipt of the Site Specific permit approval prior to final approval. This approval should be based on the current plan set.
9. The site plan shall be recorded simultaneously with Sheet G2. Revised final plans, mylar and recording fees are required prior to final approval.
10. Posting of a surety for the off-site improvements, monumentation of the site, Harbor Road intersection improvements, sewer and storm drainage construction, and retaining wall. Surety to be set in usual manner and posted prior to final approval.
11. Receipt of a certificate of monumentation prior to final release of the surety.
12. Compliance with the ZBA conditions of approval granted on December 19, 2002.

13. Compliance with the conditions set forth in the Department of Public Works memorandum dated 3/18/03 (attached).
14. Trash collection, year round maintenance and upkeep of Harbor Road and drainage facilities are the sole responsibility of the condominium association. This condition shall be set forth in the condominium documents. The Town Planner and the Town Attorney shall review documents to ensure items are addressed prior to recording of the documents.
15. Pile driving to occur during the "off season" as defined by after the Seafood Festival and prior to Memorial Day weekend.
16. Receipt of final commitment by Aquarion Water for ALL uses and entire project prior to issuance of a building permit.
17. Improvements to intersection of Harbor Road, Ashworth Avenue, Ocean Boulevard and the Old Bridge Access Road as shown on Sheet C2. A copy of the DOT permit approval should be received prior to final approval of the project. These improvements shall be required prior to occupancy of the first unit.
18. Review and approval of the final storm drainage design by Ambit Engineering. This includes addressing the outstanding items found in their 8/18/03 letter. Approvals should be received prior to final approval of the project. In addition, yearly engineering reports shall be submitted from the Applicant (or Condominium Homeowners Association when the project is formally turned over to them) to the Town Planner, noting that the downstream defender (or like device) has been maintained per the manufactures specifications.
19. Compliance with the memorandum from the Town Attorney dated 9/16/03 and the updated Memorandum of Understanding dated December 17, 2003 (attached). A note shall be added to the plan stating "Owner shall grant to the Town and State access over Harbor Road from both directions to facilitate utilization of the pier and slips".
20. Amend the plan to add a detail outlining the proposed concrete pavers that will be used for the fire lane, per Fire Department requirements.
21. Approval from the NH DES for the proposed 18 boat slips. The site shall not be allowed more slips than those approved by the State.
22. The site plan shall be amended to note that ten parking spaces east of the pool shall be reserved and properly signed, limiting the parking lot use to those who lease the 10 boat slips that will be made available to non-condominium owners. The plan shall also clearly note that only 10 slips may be leased to non-condominium owners. These reserved spaces may be reduced to a number less than ten, if the number of non-condominium owners who lease a boat slip is reduced.
23. A note shall be added to the plan noting that "no further commercial uses shall be allowed on the site other than those existing at this time, specifically: two soda vending machines, one commercial fishing boat, one jet ski (4) and parasail operator and private use (condominium owners & boat slip users) of the Clubhouse. The boat slips shall not be used for any commercial uses, except for those noted".
24. A note shall be added to the plan stating that once the Jet Ski and parasail operator's lease has expired, that the lease cannot be renewed and that this business shall no longer operate from the site.
25. A note shall be added to the plan and noted in the Condominium documents that no long term, live in use shall occur for those who lease the boat slips. It is the intent of this restriction to prohibit year round boat living at these slips. Seasonal overnight use is permitted.
26. The site plan shall be amended to note that a "No Parking" sign shall be installed adjacent to the drop off/pick up area. In addition, a sign shall be placed at the site entrance noting "No Public Parking".
27. The site plan shall be amended to note that no fuel pumps, boat storage, repairs shall occur on the site.

28. The condominium documents shall note that the site does not provide and cannot accommodate parking for functions that take place at the Clubhouse.
29. The condominium documents shall clearly note that Mr. Dube operates a business from his property, which includes trucks and that this business will continue and may cause noise in the neighborhood.
30. The Applicant shall submit to the Town Planner the signed agreement he has with Mr. Dube and the other adjacent landowners detailing the scope of the issues the Applicant has agreed to. If the Town Planner determines that the issues noted in said agreement need to be further clarified on the site plan or added to the condominium documents, then those matters shall be addressed by the Applicant.
31. The Applicant's condominium documents shall be reviewed and approved by the Town Attorney to insure that the numerous stipulations (those noted on the plan and in this approval letter) associated with the project are properly documented and adhered to.

Mr. Emerick **SECONDED. VOTE: 5 = YES / 1 = OPPOSED** (Mr. Higgins). **MOTION PASSES IN THE AFFIRMATIVE.**

Mr. Fougere recommended Board approval on the Special Permit Application. Mr. Viviano **MOTIONED** to approve the Golden Corridor & Hampton Harbor Condominiums, LLC Special Permit Application for work within the Wetland Conservation District associated with the multifamily Site Plan application at Duston Avenue/Harbor Road, Map 295, Lots 59 & 63; Map 295, Lot 64, & Map 298, Lot 3, of plan #01048, revision dated 12/5/03 subject to:

**Wetland Special Permit Conditions:**

1. Receipt of the DES Wetland Bureau approval
2. Proper sediment and erosion control measures in place prior to commencement of site work. BMPs maintained and in place until final stabilization of the site.
3. Construction of a boardwalk over the existing sand dune for access to the beach area.
4. Notification of the Conservation Commission prior to commencement and upon completion of the project.

Mr. K. Lessard **SECONDED. VOTE: AII. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. Fougere recommended Board approval on the Lot Line Adjustment and Subdivision Applications. Mr. Emerick **MOTIONED** to approve the Golden Corridor & Hampton Harbor Condominiums, LLC Lot Line Adjustments at 3 Ocean Blvd.; 31 Harbor Road; and Duston Avenue/Harbor Road, Map 298, Lot 6; Map 295, Lot 62; Map 295, Lots 59 & 63; Map 295, Lot 64, & Map 298, Lot 3 Lot Line Adjustment and Golden Corridor LLC Proposed Subdivision at Harbor Road Map 295 Lot 63 Applications of plan #01048, revision dated 12/4/03 subject to:

**Conditions for Lot Line Adjustment & Subdivision:**

1. Amend the plan to note the lot areas (before and after) for Lots 298/6 and 295/62 (can be deed areas) to Sheet A1.
2. The plan will need to be recorded simultaneously with Sheet G2. Final revised plans, mylar and recording fees are required prior to final approval.
3. Clarify with the Assessing Department the proper Map and Lot number for the proposed Town of Hampton lot. Add metes and bounds to the lot.
4. A sewer easement shall be added to the plan, to the benefit of Lot 298/5. An easement document shall be prepared, signed by both parties, and recorded with the plan.

Mr. Sullivan **SECONDED. VOTE: AII. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

### III. ATTENDING TO BE HEARD:

5. Liberty Lane Area – Zoning  
Mr. Joseph Valle

Mr. Joseph Valle introduced himself. He posted an aerial map and a draft of the site. Mr. Valle proceeded to explain the need for a zone change from industrial to residential in the Liberty Lane area. Mr. Valle came before the Board this evening for comments and suggestions before he went to the Zoning Board as an official request. He proceeded to explain some large businesses (Pease, Timberland, etc...) show interest in establishing there. Mr. Valle's plan would be to include additional infrastructure to house larger companies, adding a strip that would hold a child care facility, and including residential structures for the convenience of housing for employees. There was general Board discussion regarding the square footage and limiting the style of the buildings to imitate the existing (3&4 story buildings). Mr. Fougere suggested an overlay of the zoning to allow the new zone criteria and counsel with Town Attorney for verbiage. Mr. Gillick asked for Board comments. Mr. K. Lessard was concerned with density and being consistent. Mr. McMahon suggested the zoning overlay would be necessary. Mr. Emerick considers Mr. Valle's proposal to be a positive contribution to the Town. Mr. Viviano & Mr. Higgins would like Mr. Valle to obtain more information necessary to make these changes and come back to the Board again. Mr. Gillick agreed along with the Board, by consensus, that the facts presented to the Planning Board relating to "attending to be heard" agenda item of Mr. Valle & Liberty Lane would be a significant asset to further investigate the re-zoning.

### IV. CONSIDERATION OF MINUTES – DECEMBER 3, 2003:

Mr. Higgins stated on the bottom of Page 4, to add: "*and two driveways on either side of the four dwelling units*". Mr. Viviano **MOTIONED** to approve the minutes as amended. Mr. K. Lessard **SECONDED**. **VOTE: 4 = YES / 2 = Abstain** (Mr. Bilodeau & Mr. Emerick). **MOTION PASSES IN THE AFFIRMATIVE.**

### V. CORRESPONDENCE:

None.

### VI. OTHER BUSINESS:

1. Mr. Sullivan stated that he would not be attending the January 7, 2004 Planning Board meeting.
2. The 2004 Planning Board Schedule and Submittal Deadline Dates has been updated by Mrs. Kimball and all Board member received a copy in their Planning Mailbox. Mr. Gillick asked for Board discussion Hearing none, Mr. Viviano **MOTIONED** to approve the 2004 Planning Board Schedule and Submittal Deadline Dates as written. Mr. Higgins **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.** The Schedule will be posted at the Planning office and copies will be available for public information.

Mr. Emerick **MOTIONED** to adjourn. Mr. Sullivan **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Meeting adjourned at 9:46 p.m.

Respectfully Submitted,  
Janine L. Fortini  
Planning Board Secretary

*Minutes as amended January 7, 2004*